

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEFFREY SCOTT ZIEGLER,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

CASE NO. C14-5407 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 34), and Petitioner Jeffrey Scott Ziegler’s (“Ziegler”) objections to the R&R (Dkt. 35).

On October 23, 2014, Judge Strombom issued the R&R recommending that the Court deny Ziegler’s petitioner for a writ of habeas corpus. Dkt. 34. On November 4, 2014, Ziegler filed objections. Dkt. 35.

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

1 In this case, Ziegler objects to Judge Strombom's conclusion that his petition is
2 time barred. Dkt. 35 at 2–3. Ziegler contends that his petition is based on currently
3 pending state court proceedings. *Id.* Those proceedings, however, were not commenced
4 until after the federal time limitation had expired. Once the time limit has expired,
5 Ziegler must show that an exception applies to toll the statute of limitations. Ziegler has
6 failed to do that and, therefore, his petition is dismissed as time-barred.

7 The Court having considered the R&R, Ziegler's objections, and the remaining
8 record, does hereby find and order as follows:

- 9 (1) The R&R is **ADOPTED**;
- 10 (2) Ziegler's petition is **DISMISSED** as time-barred;
- 11 (3) The Court **DENIES** a Certificate of Appealability; and
- 12 (4) This Clerk shall close this case.

13 Dated this 26th day of November, 2014.

14 

15 BENJAMIN H. SETTLE
16 United States District Judge

17
18
19
20
21
22